

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

RONALD FRANK FIDGE,
Plaintiff,

v.

LAKE COUNTY SHERIFF'S
DEPARTMENT, et al.,
Defendants.

Case No. 13-cv-05182-YGR (NJV)

**ORDER DENYING MOTION TO
COMPEL WITHOUT PREJUDICE**

Re: Dkt. No. 21

Pending before the court is Plaintiff's motion to compel filed December 20, 2013. (Doc. 21.) Defendants County of Lake and Deputy Steve Wright ("Defendants") oppose the motion. (Doc. 25.) For the reasons set forth below, the court will deny Plaintiff's motion without prejudice to his right to refile the motion in compliance with the Federal Rules of Civil Procedure, the Civil Local Rules and the undersigned's Standing Order.

Federal Rule of Civil Procedure 37(a)(1) provides as follows:

On notice to other parties and all affected persons, a party may move for an order compelling disclosure or discovery. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.

Civil Local Rule 37-1 provides in part that, "[t]he Court will not entertain a request or a motion to resolve a disclosure or discovery dispute unless, pursuant to Fed.R.Civ.P. 37, counsel have previously conferred for the purpose of attempting to resolve all disputed issues."

The undersigned's Standing Order, section 12(b) provides as follows:

In the event a discovery dispute arises, counsel for the party seeking discovery shall in good faith confer **in person** with counsel for the party failing to make that discovery in an attempt to resolve the dispute without the Court's involvements, as required by Federal Rule of Civil Procedure 37 and Civil L.R. 37-1(a). The meeting must be **in person**, except where good cause is shown why a telephone conference is adequate. A declaration setting

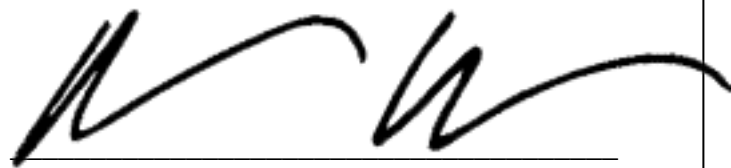
1 forth these meet and confer efforts, and the final positions of each party, shall be included
2 in the moving papers. **The Court will not consider discovery motions unless the**
3 **moving part has complied with Fed.R.Civ.P. 37 and Civil L.R. 37-1.**

4 In the present case, Plaintiff has not provided a declaration regarding his meet and confer
5 efforts regarding the present discovery requests. The court therefore finds that Plaintiff has
6 violated section 12(b) of the undersigned's Standing Order.

7 Accordingly, Plaintiff's motion to compel is HEREBY DENIED without prejudice to
8 Plaintiff's right to refile the motion in compliance with the Federal Rules of Civil Procedure, the
9 Civil Local Rules and the undersigned's Standing Order. Plaintiff is cautioned that in filing future
10 motions he must comply with Civil Local Rule 7-2 regarding the noticing of motions. Plaintiff is
11 directed to seek the assistance of the Court's Pro Se Help Desk, and advised that information
12 regarding pro se litigation is available on the Court's website.

13 **IT IS SO ORDERED.**

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18 Dated: January 14, 2013



NANDOR J. VADAS
United States Magistrate Judge